

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,** )                   **CASE NO. 8:06CR201**  
                        )  
**Plaintiff,**            )  
                        )  
**vs.**                    )  
                        )  
**M.A. YAH,**            )  
                        )  
**Defendant.**          )

**MEMORANDUM  
AND ORDER**

This matter is before the Court on the Report and Recommendation (Filing No. 20) issued by Magistrate Judge Thomas D. Thalken recommending that the Defendant's motion to dismiss (Filing No. 13) be granted if Yah pleads guilty in 8:05CR116. No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a).

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3, the Court has conducted a de novo review of the record. Judge Thalken held the motion in abeyance until Mr. Yah entered a plea of guilty in 8:05CR116. Mr. Yah did so on August 4, 2006. Because Judge Thalken fully, carefully, and correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

**IT IS ORDERED:**

1. The Magistrate Judge's Report and Recommendation (Filing No. 20) is adopted in its entirety;
2. The Defendant's motion to dismiss (Filing No. 13) is granted; and

3. The Indictment in this case is dismissed.

DATED this 16<sup>th</sup> day of August, 2006.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge